

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1179 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 "SECTION 1. IC 4-1-9 IS ADDED TO THE INDIANA CODE AS
- 4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2000]:
- 6 **Chapter 9. Legal Actions Involving Firearms and Ammunition**
- 7 **Manufacturers, Trade Associations, and Sellers**
- 8 **Sec. 1. As used in this chapter, "firearm" has the meaning set**
- 9 **forth in IC 35-47-1-5.**
- 10 **Sec. 2. Except as provided in sections 3 and 4 of this chapter,**
- 11 **the state may not bring an action against a firearms or ammunition**
- 12 **manufacturer, trade association, or seller for:**
- 13 **(1) recovery of damages resulting from, or injunctive relief**
- 14 **or abatement of a nuisance relating to, the lawful:**
- 15 **(A) design;**
- 16 **(B) manufacture;**
- 17 **(C) marketing; or**
- 18 **(D) sale;**
- 19 **of a firearm or ammunition for a firearm; or**
- 20 **(2) recovery of damages resulting from the criminal or**
- 21 **unlawful misuse of a firearm or ammunition for a firearm by**
- 22 **a third party.**
- 23 **Sec. 3. (a) The state may bring an action described in section**
- 24 **2 of this chapter if the action is approved in advance by the general**
- 25 **assembly in a concurrent resolution or by enactment of a law.**
- 26 **(b) This section does not create a cause of action.**
- 27 **Sec. 4. Nothing in this chapter may be construed to prohibit**
- 28 **the state from bringing an action against a firearms or ammunition**

1 manufacturer, trade association, or seller for recovery of damages
2 for the following:

3 (1) Breach of contract or warranty concerning firearms or
4 ammunition purchased by the state.

5 (2) Damage or harm to property owned or leased by the state
6 caused by a defective firearm or ammunition.

7 (3) Personal injury or death, if the action arises from the
8 state's claim for subrogation.

9 (4) Injunctive relief to enforce a valid statute, rule, or
10 ordinance.

11 SECTION 2. IC 36-1-3-8.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2000]: Sec. 8.5. (a) As used in this section, "firearm" has the
14 meaning set forth in IC 35-47-1-5.

15 (b) Except as provided in subsections (c) and (d), a municipal
16 corporation may not bring an action against a firearms or
17 ammunition manufacturer, trade association, or seller for:

18 (1) recovery of damages resulting from, or injunctive relief
19 or abatement of a nuisance relating to, the lawful:

20 (A) design;

21 (B) manufacture;

22 (C) marketing; or

23 (D) sale;

24 of a firearm or ammunition for a firearm; or

25 (2) recovery of damages resulting from the criminal or
26 unlawful misuse of a firearm or ammunition for a firearm by
27 a third party.

28 (c) A municipal corporation may bring an action described in
29 subsection (b) if the action is approved in advance by the general
30 assembly in a concurrent resolution or by enactment of a law. This
31 subsection does not create a cause of action.

32 (d) Nothing in this section may be construed to prohibit a
33 municipal corporation from bringing an action against a firearms
34 or ammunition manufacturer, trade association, or seller for
35 recovery of damages for the following:

36 (1) Breach of contract or warranty concerning firearms or
37 ammunition purchased by the municipal corporation.

38 (2) Damage or harm to property owned or leased by the
39 municipal corporation caused by a defective firearm or
40 ammunition.

41 (3) Personal injury or death, if the action arises from the
42 municipal corporation's claim for subrogation.

43 (4) Injunctive relief to enforce a valid statute, rule, or
44 ordinance."

(Reference is to HB 1179 as printed January 14, 2000.)

Representative SMITH M